

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RICHARD WIMPYE,

Plaintiff

v.

C-1-11-845

INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS
AFL-CIO/CLC, Local Lodge 1943, *et al.*,

Defendants

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 23), plaintiff's objections (doc. no. 29) and defendants' responses (doc. nos. 30 and 31). The Magistrate Judge concluded that plaintiff's Complaint failed to state a claim for relief against defendant Local Lodge 1943 and that defendant Rogers cannot be held liable under Title VII. The Magistrate Judge therefore recommended that defendants' Motion to Dismiss (doc. nos. 10 and 11) be granted; the remaining pending motions (doc. nos. 13, 14, 16 and 17) be denied as moot and the case be dismissed.

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

CONCLUSION

Upon a *de novo* review of the record, especially in light of plaintiff's objections and defendants' responses, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Magistrate Judge.

Accordingly, the Court hereby ADOPTS the Recommendation of the United States Magistrate Judge. Defendants' Motions to Dismiss (doc. nos. 10 and 11) are GRANTED. The Motion for More Definite Statement of Plaintiff's Amended Complaint and Motion to Strike (doc. no. 14) filed by defendant Local Lodge 1943, Motion to Dismiss and Motion for More Definite Statement of Plaintiff's Amended Complaint (doc. no. 16), defendant Rogers' Motion for 12(b)(4) and (5) Dismissal (doc. no. 13),

defendant Rogers' Motion to Dismiss for Failure to State a Claim, Motion for 12(b)(4) and (5) Dismissal of Plaintiff's Amended Complaint, Motion for More Definite Statement of Plaintiff's Amended Complaint and Motion to Strike Portions of Plaintiff's Amended Complaint (doc. no. 17) are DENIED AS MOOT.

This case is DISMISSED AND TERMINATED on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court